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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,308	07/06/2001	Tadashi Takeda	500615.20142	5670
7590 06/15/2004				
Gerald H. Kiel, Esq. Reed Smith LLP 17th Floor 375 Park Ave. New York, NY 10152		EXAMINER VUONG, BACH Q		
		ART UNIT PAPER NUMBER		
		2653		
DATE MAILED: 06/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

JUN 29 2004

Technology Center 2600

Office Action Summary

Application No.

09/900,308

Applicant(s)

TAKEDA, TADASHI

Examiner

Bach Q Vuong

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Objections

Claim 1 is objected to because of the following informalities:

In the claim 1, lines 8-9, the limitation "a phase difference of n wavelength to ... n is equal to 1, 2, 3 ..." is unclear and confusing. Applicant is suggested to amend the limitation above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato et al. (US 6,185,168).

Kato et al., according to Figs. 1-11, shows a beam-guiding optical device in an optical head device comprising all features of the claimed invention as interpreted below:

Regarding claim 1, see Figs. 1-11 which show a beam-guiding optical device in an optical head device to bring beams of different wavelengths which are emitted by separate light sources together onto the same optical axis or to guide the beams onto a common photo receiving device, comprising: an incident plane and an exit plane (see plate 104 in Figs. 1-3 or 11(b)-11(e)) which are being back to back wherein one of the incident plane and the exit plane has a stair-like surface; wherein a step height (see plate 104 in Figs 11(d)-11(e) between neighboring treads in

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the stair-like surface is set to cause a phase different of n wavelengths to the beams passing through the neighboring treads, and n is equal to 1, 2, 3,

Regarding claim 2, see Figs. 7(a)-7(b) and 11(b)-11(e) which show a beam-guiding optical device in an optical head device wherein the treads are curved.

Regarding claim 3, see Figs. 7(a)-7(b) which show a beam-guiding optical device in an optical head device wherein the treads are formed concentrically.

Regarding claim 4, see Figs. 1-3, 4 and 11(b)-11(e) which show an optical head device having a beam-guiding optical device, comprising: a first light source (see two light sources 200a and 200b) for emitting a first beam of light; a second source for emitting a second beam of light which differs in wavelength from the first beam of light; an objective lens (see objective lens 205) for converging the light and second beams of light onto a recording surface of an optical recording medium; and a common photo receiving device (see detector 208) for receiving the first and second beams of light which are reflected from the recording of the optical recording medium through the objective lens; wherein the beam-guiding optical device (see plate 206) is placed on an optical path between the objective lens and the common photo device to deflect one of the first and second beams of the light that have been reflected from the recording surface of the optical recording medium and to guide both of the first and second beams of light onto the common photo receiving device.

Regarding claim 5, see Fig. 4 which shows an optical head device having a beam-guiding optical device, wherein the first and second light sources are stored in a single package as a light source unit (see light source 200).

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Regarding claim 6, see Figs. 1-5, 12 and 13 which show an optical head device having a beam-guiding optical device comprising: a first light source (see light source 200a) for emitting a first beam of light; a second light source (see light source 200b) for emitting a second beam of light which differs from in wavelength from the first beam; an objective lens (see objective lens 205) for converging the first and second beams of light onto a recording surface of an optical recording medium; and a common photo receiving device (see detector 208) for receiving the first and second beams of light that are reflected from the recording surface of the optical recording medium through the objective lens; wherein the beam-guiding optical device is placed on an optical path between the first and second light sources and the objective lens to bring the first and second beams of light together onto the same optical axis and to guide them to the objective lens; wherein the beam-guiding optical device (see plate 321 and 322 in Figs. 12 and 13 respectively) is placed on an optical path between the first and second light sources and the objective lens to bring the first and second beams of light together onto the same optical axis and to guide them to the objective lens.

Regarding claim 7, see Figs. 1-5, 12 and 13 which show an optical head device having a beam-guiding optical device wherein the first and second light sources are stored in a single package as a light source unit (see light source 200 in Fig. 4).

Cited References

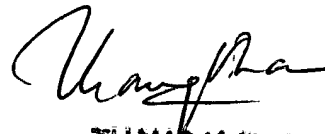
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to an optical head apparatus having a polarized polarizing phase plate placed guiding lights to an objective lens.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bach Q Vuong whose telephone number is (703) 305-7355. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BV
June 2, 2004


THANG V. TRAN
PRIMARY EXAMINER

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (MODIFIED) U.S. PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (37 CFR 1.98(b))	ATTY. DOCKET NO. 500615.20142	SER. NO. To Be Assigned
	APPLICANT Tadashi TAKEDA	
	FILING DATE Herewith	GROUP To Be Assigned

U.S. PATENT DOCUMENTS

Examiner Initial	Cite No. ¹	Patent Number	Issue Date	Patentee	Class/ Subclass	Filing Date

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

Examiner Initial	Document Number	Publication Date	Country or Patent Office	Class/ Subclass	Translation Yes/No
AV	JP 80-55363	2/27/96	Japan	_____	Yes

OTHER DOCUMENTS

(Including Author, Title, Date, Relevant Pages, Place of Publication)

Examiner Initial	Cite No. ¹	

EXAMINER	DATE CONSIDERED
Bach Vuong	06/02/04

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Notice of References Cited	Application/Control No. 09/900,308	Applicant(s)/Patent Under Reexamination TAKEDA, TADASHI	
	Examiner Bach Q Vuong	Art Unit 2653	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,115,345	09-2000	Kato et al.	369/44.23
	B	US-6,320,699	11-2001	Maeda et al.	369/44.23
	C	US-6,449,237	09-2002	Yoo et al.	369/112.05
	D	US-6,201,780	03-2001	Katayama, Ryuichi	369/112.19
	E	US-5,666,344	09-1997	Imaino et al.	369/94
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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